

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

TRACEY GERLACH

Plaintiff,

v.

Case No.: 18-cv-170

WEST REVENUE GENERATION
SERVICES, LLC, *et. al.*

Defendant.

DECLARATION OF JAMES A. WALCHESKE

I, James A. Walcheske, certify under penalty of perjury that the following is true and correct to the best of my knowledge and recollection:

1. The statements set forth in this declaration are made of my own personal knowledge and, if called as a witness, I could and would testify competently to the matters stated below.

2. I was admitted to the Bar of the State of Wisconsin in 2008. I am also admitted to practice before the United States District Courts for the Eastern and Western Districts of Wisconsin, the Northern District of Illinois, the United States Court of Appeals for the Seventh Circuit, and the United States Supreme Court. Most of my professional time and efforts have involved representing employees in employment matters, particularly wage and hour matters.

3. I worked as an Associate for the employment law firm of Carroll & McDonald, L.L.C. from January 2008 to October 2009, and the law firm of Heins Law Office LLC from October 2009 to March 2012. In March 2012, I started my own law practice with Attorney Scott S. Luzi. I am the co-founder and co-Managing Partner of Walcheske & Luzi, LLC.

4. I am a member of the Wisconsin Employment Lawyers Association, the National Employment Lawyers Association, and the Labor & Employment Section of the Wisconsin State Bar, among other organizations.

5. Throughout my years of practice, I have represented hundreds of individuals and employees in employment law matters, including matters to recover unpaid wages under both state and federal law. My law practice for my entire professional career has been devoted to employment law, including wage and hour litigation in federal court.

6. I have represented Plaintiffs in individual and class/collective action wage and hour matters in front of the United States District Court for the Eastern and Western Districts of Wisconsin. I believe that I am experienced with complex federal wage and hour litigation because I have successfully represented numerous individuals in single-Plaintiff and multi-Plaintiff wage and hour actions.

7. I currently bill for my services at the rate of \$350.00 per hour for any and all work performed on employment law cases, including but not limited to wage and hour matters litigated under the FLSA and WWPCL. Through my involvement in the Wisconsin legal community, and particularly my interactions with other attorneys who practice in the area of labor and employment, I am familiar with the rates attorneys in Wisconsin charge for their work representing plaintiffs under the Fair Labor Standards Act and Wisconsin state law, as well as a plaintiff's ability to recover reasonable attorneys' fees and costs incurred in such litigation. With respect to individual and class/collective action wage and hour cases, I believe that my hourly rate is reasonable and representative of the market rate for such services on these cases.

8. To date, I have devoted a total of approximately 79.10 hours to the litigation and resolution of this matter, which is the sum of the hours spent on the following activities: 5.50 hours conducting pre-filing investigation regarding legal causes of action; 2.50 hours conducting pre-filing interviews with Plaintiff's co-workers and witnesses; 2.20 hours researching relevant legal authority (primarily case law and administrative regulations) related to Plaintiff's FLSA and WWPCL causes of action; 5.60 hours meeting, corresponding, and communicating with witnesses, potential witnesses, and similarly-situated individuals to Plaintiff; 37.60 hours reviewing, analyzing, and synthesizing the documentation and information provided by Defendants prior to the in person Mediation and creating and calculating damages models; 1.00 hours preparing for the in person Mediation, including drafting, finalizing, and exchanging all pre-Mediation written submissions; 10.00 hours attending the in person Mediation (including drive time); 1.00 hours reviewing the parties' Settlement Agreement; 1.40 hours drafting, reviewing, revising, and finalizing the parties Joint Motion for Preliminary Approval of Class Action Settlement and for Class Certification for Purposes of Settlement; and 12.30 hours meeting, corresponding, and communicating with Plaintiff.

9. I am aware that the parties have agreed to an incentive award for Plaintiff in the amount of \$7,500.00 and that our firm will petition the Court for an award of attorneys' fees and costs in the total amount of \$165,000.00. I believe Plaintiff's incentive award and our firm's attorneys' fees and costs are fair and reasonable. In my experience, Plaintiff's incentive award is in line and similar to other lead Plaintiff's settlement awards in multi-Plaintiff cases under the FLSA and WWPCL similar to this matter. I am also aware that the \$165,000.00 in requested attorneys' fees and costs is less than the actual amount of time and costs that our firm has spent litigating and resolving this matter, which totals approximately \$177,880.93 to date.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of December, 2018.

s/ James A. Walcheske
James A. Walcheske